

R-6-2w

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LAW OFFICES

COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

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(202) 785-0934

\*VIRGINIA BAR ONLY

March 14, 1990

RECEIVED

MAR 14 1990

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: BPTTL-890309NY Lancaster, PA

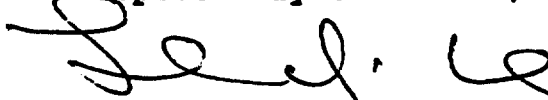
Dear Ms. Searcy:

On behalf of Raystay Company there is attached hereto declarations of George Gardner, Robert W. Chilton, Gilmore B. Seavers, Rev. Andrew J. Fontanella, Stanley T. Singer and Lincoln A. Warrell. These documents are submitted pursuant to the Commission's Memorandum Opinion and Order in RKO General, Inc. (WAXY-FM), MM Docket No. 84-1112, FCC 90-18 released February 2, 1990. At paragraph 21 the Commission stated "Accordingly, we will afford Gardner ..... the opportunity to submit a showing of good character in connection with any application for a new station." Mr. Gardner is the controlling stockholder of Raystay Company, which is the tentative selectee for five LPTV stations that are still pending:

BPTTL-890309NX	Red Lion, PA
BPTTL-890309NY	Lancaster, PA
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BPTTL-890309PA	Lancaster, PA
BPTTL-890309TD	Lebanon, PA

It is respectfully submitted that based upon the showing attached hereto, the Commission should grant these five LPTV applications.

Respectfully submitted,



Lewis I. Cohen  
Counsel for Raystay Company

Enclosures

### DECLARATION

George F. Gardner hereby declares under penalty of perjury that the following is true and correct to the best of his personal knowledge:

I am the sole stockholder, director and an officer of Adwave Company, which was an applicant for a new FM station at Fort Lauderdale, Florida (File No. BPH-830510AL; MM Docket No. 84-1113). The proceeding involving Adwave was resolved by settlement approved by the Commission in RKO General, Inc. (WAXY-FM), FCC 90-18, released February 2, 1990 (RKO). As reflected at para. 7 to 22 thereof, the effect of the settlement was to leave an unresolved character issue concerning Adwave. RKO also therein adopted procedures governing the consideration of the impact of that issue in connection with future broadcast applications in which I am involved.

I am also the controlling stockholder, an officer and a director of Raystay Company (Raystay). Raystay is the licensee of LPTV station W40AF, Dillsburg, Pa. and the tentative selectee for five LPTV stations that are still pending:

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See Report No. GL89-3, released June 16, 1989. This Declaration is designed to meet the first and third tests set forth in para. 21 of RKO in order to justify the grant of the five LPTV applications noted above. The second test (reputation in the community) will be met by Declarations of persons with knowledge of my reputation in the Carlisle, Pennsylvania community where I principally reside and conduct business.

Since the filing of the Adwave application in 1983, no allegations have been made of any significant broadcast-related misconduct by myself or any company in which I am involved, and I am aware of no such misconduct. As noted at para. 20 of RKO, I had a previously unblemished record of broadcast ownership, which is detailed at para. 42 of RKO General, Inc. (WAXY), 2 FCC Rcd 3348 (ID 1987).

The issue against Adwave involved a finding that I improperly proposed to divest other media interests in which I was involved. While I never intended to deceive the Commission, I now realize the importance of being absolutely candid in applications and statements made by me to the Commission, and have resolved to carefully review any such applications and statements to ensure that they fully and accurately disclose any pertinent facts. I would note in this respect that, prior to RKO, Exhibit 3 to each of the pending LPTV applications made full disclosure of the adverse Initial Decision against

Adwave, and the applications were amended on July 6, 1989 to report the Review Board's affirmance of the Initial Decision. These actions I believe reflect my desire to ensure that the LPTV staff be fully informed as to these pertinent facts.

I would accordingly urge that the circumstances warrant a conclusion that Raystay is qualified to be the licensee of the five LPTV stations at issue.

  
George F. Gardner

Date: 

### DECLARATION

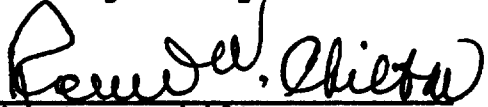
I, Robert W. Chilton, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I have been semi-retired for four years. Previously I was chairman for 15 years of Cutler-Federal, Inc., a manufacturing corporation.

I have had extensive contact with George in connection with community activities such as the Community Chest and the YMCA. I have also served as Chairman of the Board of Trustees of the Carlisle Hospital. George has been a faithful supporter of the hospital, both financially and in other meaningful ways.

Over the years George has become a very good friend of mine. I have had an extensive opportunity to observe George over a long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Robert W. Chilton  
1 West High Street  
Carlisle, PA 17013

Date: May 6, 1990

### DECLARATION

I, Gilmore B. Seavers, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

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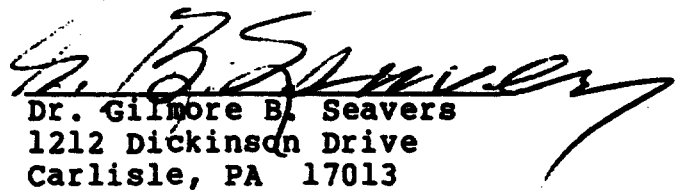
I am President Emeritus of Shippensburg State University. I was President from January 1970 to December 1980. I was an administrator of the University from 1957 to 1970.

In the early 1980's I became active in the Carlisle Kiwanis Club where I served on several committees. I had the opportunity during that period of service to get to know George very well as he was also active in the Carlisle Kiwanis Club. I have also been active in soliciting financial support for worthy organizations in the Carlisle area. These organizations include the Helen Stevens Community Mental Health Center, The Carlisle Area Opportunity Industrial Centers and The Cumberland County Historical Society.

George always enthusiastically supported these organizations, both financially and with other assistance.

I have had an extensive opportunity to observe George in connection with the activities described above, and I can state with absolute certainty that he enjoys a

reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Dr. Gilmore B. Seavers  
1212 Dickinson Drive  
Carlisle, PA 17013

Date:

3/5/90

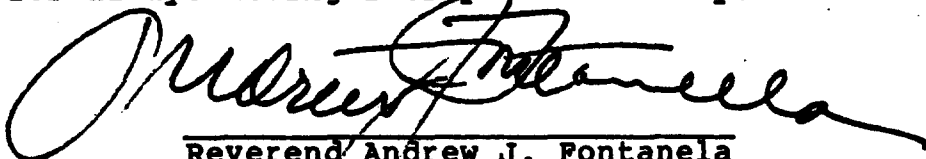
DECLARATION

I, Reverend Andrew J. Fontanella, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

Since 1975 I have been Pastor of the St. Patricks Church in Carlisle, Pennsylvania. George has been a very generous supporter of the parish including the school program and building program. George's family have been my parishioners. I have come to know George well, and I consider him a very close personal friend.

I have had an extensive opportunity to observe George over this long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.



Reverend Andrew J. Fontanella  
140 East Pomfret Street  
Carlisle, PA 17013

Date: 3/6/90




### DECLARATION

I, Stanley T. Singer, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I am the President of the Pennsylvania Cable Television Association. I have been the chief executive officer of the Association since 1981. I am responsible for the day to day operations of the Association. In carrying out my duties, I have come to know George Gardner very well. He is a Past President of the Association, a past board member and has served on many Association committees.

George lives in Carlisle which is about 15 miles from Harrisburg where I live and work. I am also a graduate of Dickenson College in Carlisle. I know many people both within and without the cable television industry in Carlisle. I have always heard from others and know personally that George enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the cable television industry in the Carlisle area for always acting fairly and honestly.

  
Stanley T. Singer  
119 Pine Street

Harrisburg, Pennsylvania 17101

Date: 7 Mar 90


DECLARATION

I, Lincoln A. Warrell, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I have been a businessman and I have resided in the Carlisle, Pennsylvania area for approximately 25 years. I have been a neighbor and a friend of George Gardner for most of that period. My children and his children grew up together, and his family and my family participated in church activities at the same Catholic church in Carlisle. George and I have both been active in supporting community activities during the long period of time that we have been friends.

I have had an extensive opportunity to observe George over this long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Lincoln A. Warrell  
408 North Baltimore Ave.  
Mt. Holly Springs, PA 17065

Date: 2-27-90

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1919 M Street, N.W.  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

RE: BPTTL-890309NX Red Lion, PA

Dear Ms. Searcy:

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It is respectfully submitted that based upon the showing attached hereto, the Commission should grant these five LPTV applications.

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Lewis I. Cohen  
Counsel for Raystay Company

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See Report No. GL89-3, released June 16, 1989. This Declaration is designed to meet the first and third tests set forth in para. 21 of RKO in order to justify the grant of the five LPTV applications noted above. The second test (reputation in the community) will be met by Declarations of persons with knowledge of my reputation in the Carlisle, Pennsylvania community where I principally reside and conduct business.

Since the filing of the Adwave application in 1983, no allegations have been made of any significant broadcast-related misconduct by myself or any company in which I am involved, and I am aware of no such misconduct. As noted at para. 20 of RKO, I had a previously unblemished record of broadcast ownership, which is detailed at para. 42 of RKO General, Inc. (WAXY), 2 FCC Rcd 3348 (ID 1987).

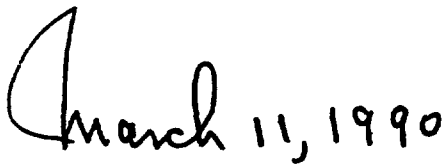
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I would accordingly urge that the circumstances warrant a conclusion that Raystay is qualified to be the licensee of the five LPTV stations at issue.

  
George F. Gardner

Date:



DECLARATION

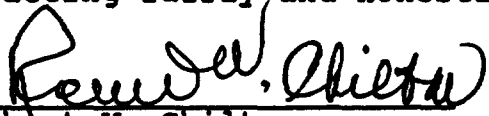
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1 West High Street  
Carlisle, PA 17013

Date: Mar. 6, 1990

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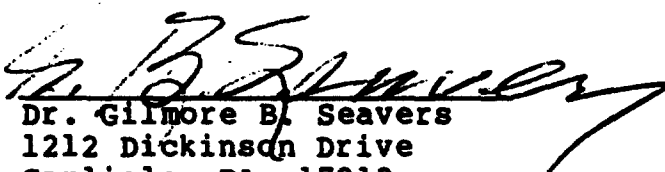
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Dr. Gilmore B. Seavers  
1212 Dickinson Drive  
Carlisle, PA 17013

Date: 3/5/90

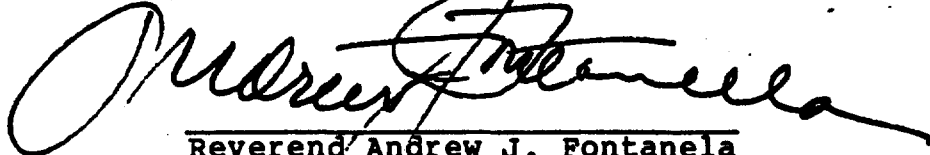
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Harrisburg, Pennsylvania 17101

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\_\_\_\_\_  
Lincoln A. Warrell  
408 North Baltimore Ave.  
Mt. Holly Springs, PA 17065

Date: 2-27-90


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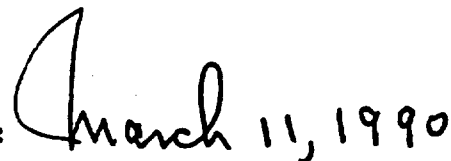
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